

Skip Thomson

8:00 AM

Assessor/Recorder

AR54

4Q

03 First American Title Co

RECORDING REQUESTED BY:

Lennar Mare Island, LLC
 900 Walnut Avenue, Quarters D
 Vallejo, California 94592

Doc#: 200300035583

Titles: 1 Pages: 8



Fees	28.00
Taxes	0.00
Other	0.00
PAID	\$28.00

WHEN RECORDED, MAIL TO:

Department of Toxic Substances Control
 Region 1
 8800 Cal Center Drive
 Sacramento, California 95814
 Attention: Mr. Anthony J. Landis, Chief
 Office of Military Facilities

541397

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

**RELEASE OF
 COVENANT TO RESTRICT USE OF PROPERTY
 AND OF ENVIRONMENTAL RESTRICTION
 (SERIES NO. 02-37962)**

**Portions of Investigation Area A3 Former Mare Island Naval Shipyard
 Eastern Early Transfer Parcel
 Vallejo, California**

The grantor of this Release is the Department of Toxic Substances Control (the "Department") and the grantee is Lennar Mare Island, LLC (the "Owner").

RECITALS

A. This Release pertains to property situated in Vallejo, County of Solano, State of California, described in Exhibits "A" and "B," attached hereto and incorporated herein by this reference (the "Restricted Property").

B. The Restricted Property, totaling approximately 42.75 acres, is more particularly described and depicted in Exhibits "A" and "B." The Restricted Property is located on the developed eastern side of Mare Island and comprises a portion of the area now generally known as the Eastern Early Transfer Parcel ("EETP"), in the County of Solano, State of California. On March 26, 2002, title to the Restricted Property, along with the rest of the EETP was transferred from the U.S. Department of the Navy ("Navy"), through the City of Vallejo ("City"), to the Owner.

Recorder's Note: Document indexed as
 an Amended Restriction

C. The City, the Department and the Owner entered into a Consent Agreement on April 16, 2001 ("Consent Agreement"). The Consent Agreement establishes the process and timetable for completion of the response and corrective actions at specified portions of the EETP, including the Restricted Property. As described in the Consent Agreement, several areas within the EETP were known to contain hazardous substances, as defined in H&SC Section 25316, which include, but are not limited to, the following general contaminants of concern: heavy metals, PCBs, SVOCs, petroleum hydrocarbons. Several of these substances are carcinogenic. The Restricted Property constitutes a portion of the EETP, as described above herein, and the Restricted Property, like the rest of the EETP, had not been fully characterized with respect to nature and extent, and risk resulting from the presence of these contaminants, at the time EETP was transferred from the Navy to the City and the City to the Owner on March 26, 2002.

D. Pursuant to Paragraph 3.8.1 of the Consent Agreement, the Pre-Decision Covenant to Restrict Property Use ("Pre-Decision Restrictions") was recorded in Solano County on March 26, 2002 (Series No. 02-37962), subjecting the EETP, including the Restricted Property, to the environmental restrictions set forth therein. As required by the Consent Agreement, the Pre-Decision Restrictions provide that the Department shall promptly record a release of these restrictions with respect to a particular Investigation Area or a portion thereof after the Department certifies that all remedial actions have been implemented and that no further action is required for that area, subject to any ongoing operation and maintenance obligations or institutional controls.

E. On November 19, 2002 the Department executed and certified the Remedial Action Plan ("RAP") for Investigation Area A3, a portion of the EETP encompassing the Restricted Property, prepared and approved pursuant to Chapter 6.8 of Division 20 of the Health and Safety Code, and in compliance with the Consent Agreement. The RAP calls for no further physical activities on the Restricted Property. The RAP does require recordation of a land use covenant restricting sensitive uses on the Restricted Property, and limiting use of the Restricted Property to uses consistent with commercial/industrial land use.

F. Pursuant to Paragraph 6.03 of the Pre-Decision Restrictions and Paragraph 3.8.1 of the Consent Agreement, a land use covenant containing environmental restrictions required under the Investigation Area A3 RAP was previously recorded for the Restricted Property, and this Release is recorded to lift the Pre-Decision Restrictions on the Restricted Property.

RELEASE

The Department hereby releases the Pre-Decision Restrictions, as described in sections C, D, E and F above, on the Restricted Property, as described in section B above. The covenants, conditions and restrictions set forth in the Pre-Decision Restrictions and incorporated by reference into all deeds and ground leases conveying an interest in the Restricted Property, are hereby released and the Pre-Decision Restrictions are of no further force and effect with respect to the Restricted Property. The effect of the Pre-Decision Restrictions does not change with respect to the remainder of the EETP.

This Release shall be effective upon such date that the Release is recorded in the official records of the County of ~~Contra Costa~~, State of California, and Department of Toxic Substances Control *Solano*

By: *Anthony J. Landis*
Anthony J. Landis, Chief
Northern California Operations
Office of Military Facilities

Date: *2-28-03*

STATE OF CALIFORNIA

COUNTY OF Sacramento

On this 28th day of February, in the year 2003,

before me Betty J. Engle, personally appeared

Anthony John Landin

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is /are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

Betty J. Engle

SF/256536.2



Handwritten initials

*Lennar Mare Island, L. L.C.
A portion of A.P.N. 066-010-001 and
A portion of A.P.N. 066-020-002
CH2M Hill Investigation Area A-3*

*Exhibit A
Legal Description*

Real property situate in the County of Solano, State of California described as follows:

Being a portion of the "Eastern Early Transfer Parcel" as shown on that certain Record of Survey filed March 27, 2002 in Book 25 of Surveys at Page 25 of Official Records of Solano County, more particularly described as follows;

Commencing at a 2-1/2" aluminum disk monument in concrete, stamped "Mare Island Control Point 3, McGill-Martin-Self, Orinda Ca." as shown on that certain Record of Survey filed November 14, 1996 in Book 21 of Surveys at Page 94 of Official Records of Solano County. Having established grid coordinates of North 1803802.7349 feet and East 6478152.2326 feet, referenced to the California Coordinate System of 1983, Zone 2 as given in that particular report entitled "Summary Report, Horizontal Control Network, Mare Island Naval Shipyard, Vallejo, California, MMS Job #1587, McGill Martin Self, Inc."

Thence, North 49°18'55" West, 198.69 feet to the most northerly corner of the last said "Eastern Early Transfer Parcel", being marked upon the ground by a 1/2" rebar and cap, stamped "L.S. 4325" as shown on said Record of Survey filed in Book 25 of Surveys at Page 25, and being also the True Point of Beginning.

Thence from said True Point of Beginning, along the mostly northeasterly line of the herein before said "Eastern Early Transfer Parcel", South 35°37'22" East, 1,226.36 feet to a 1/2" rebar and cap, stamped "L.S. 4325" as shown on said Record of Survey filed in Book 25 of Surveys at Page 25;

Thence continuing along the last said northeasterly line, North 55°13'59" East, 96.16 feet;

Thence, South 35°38'13" East, 169.10 feet;

Thence, leaving last said northeasterly line, South 53°41'44" West, 292.69 feet more or less to a point on the northeasterly line of that particular building commonly known as "Building 627" as it now exists;

Thence along the northeasterly line of said Building 627, South 35°35'30" East, 49.42 feet more or less to the southeasterly corner of said Building 627 as it now exists;

Thence, South 35°35'30" East, 140.13 feet more or less to the northeasterly corner of that particular building commonly known as "Building 759" as it now exists;

Thence along the northeasterly line of said Building 759 as it now exists, South 35°35'30" East, 602.41 feet to the southeasterly corner of said Building 759 as it now exists;

Thence, South 35°35'30" East, 39.65 feet;

Thence, South 54°35'18" West, 145.40 feet;

Thence, South 35°17'26" East, 15.45 feet to a point on the mostly southwesterly line of the last said "Eastern Early Transfer Parcel";

Thence along the last said mostly southwesterly line, South 54°34'00" West, 267.62 feet to a 3-1/4" aluminum disk monument, stamped "US Dept of Interior, Fish & Wildlife Service 1998, 2568, L.S. 4495" as shown on that certain Record of Survey filed September 24, 2001 in Book 24 of Surveys at Page 60 of Official Records of Solano County;

Thence, North 36°50'09" West, 681.04 feet to a 1/2" rebar (cap missing) as shown on said Record of Survey filed in Book 24 of Surveys at Page 60;

Thence, South 55°14'38" West, 387.22 feet to a 2-1/2" brass disk monument, stamped "US Dept of Interior, Fish & Wildlife Service 1998, 2570, L.S. 4495" as shown on said Record of Survey filed in Book 24 of Surveys at Page 60;

Thence, North 35°03'43" West, 1,386.52 feet to a point on the mostly northwesterly line of the last said "Eastern Early Transfer Parcel";

Thence along last said mostly northwesterly line, North 50°44'57" East, 774.73 feet;

Thence, North 86°24'27" East, 124.36 feet;

Thence, North 3°26'03" West, 224.21 feet to the Point of Beginning.

Containing 1,696,023 square feet +/- or 38.935 acres more or less.

End of Description

A plat, Exhibit "B" to accompany this description being page 3 of 3, is herein made a part of this description.

Coordinates shown are based upon the California Coordinate System of 1983, Zone 2. Distances shown are grid distances. To obtain ground distances multiply grid distances by 1.00006210.

This description was made by me or under my direction in conformance with the Land Surveyors Act.

David L. Adams 12/23/02
David L. Adams P.L.S. No. 7587
License expires: 12/31/03



END MONUMENT 2 1/2" BRASS DISC

MOSTLY SOUTHWESTERLY
LINE OF E.L.P. (25 RODS 23)

MOSTLY NORTHWESTERLY
LINE OF E.L.P. (25 RODS 23)

WETLANDS
UNIMPROVED ROAD

1 P.D.B.
FND 1/2" REBAR & CAP
L.S. 3325

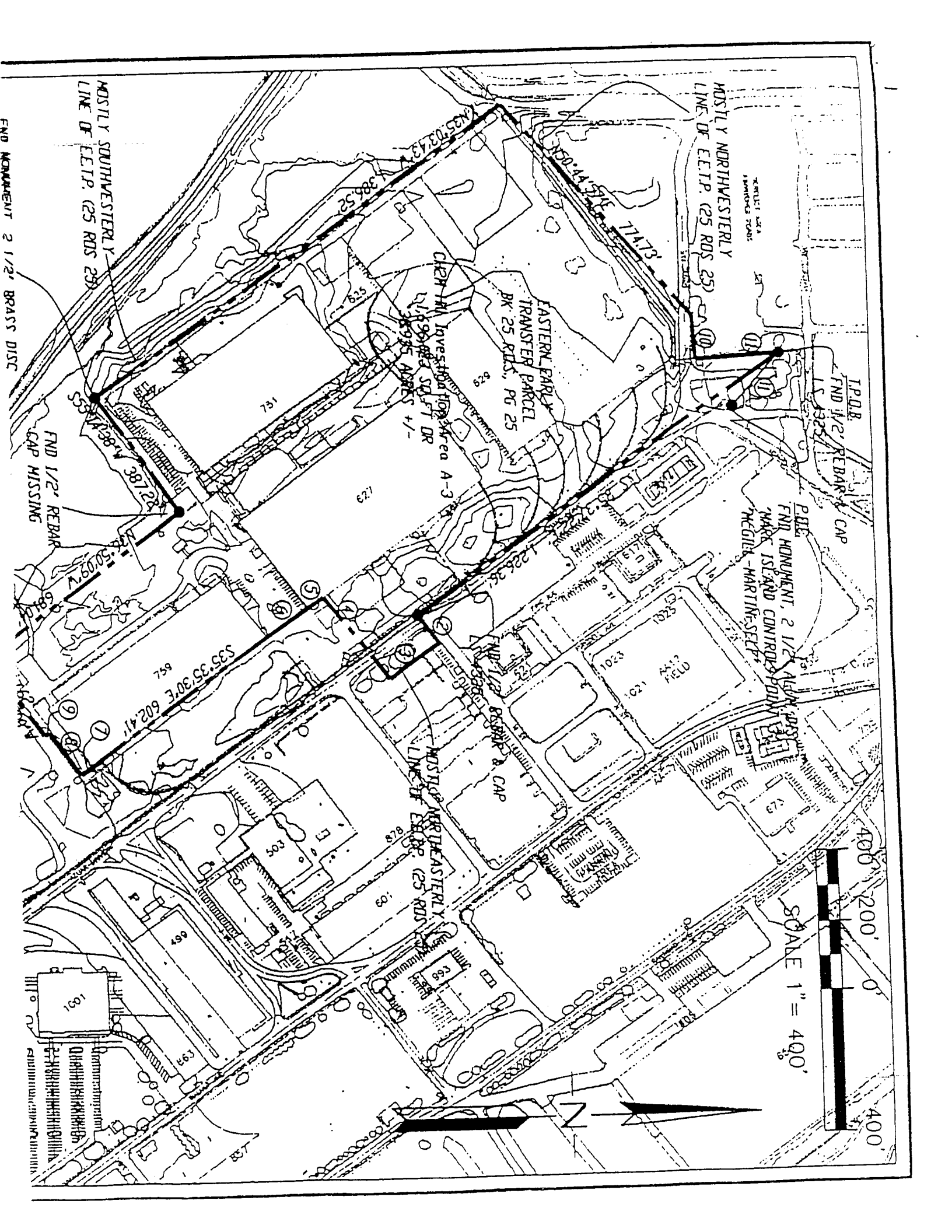
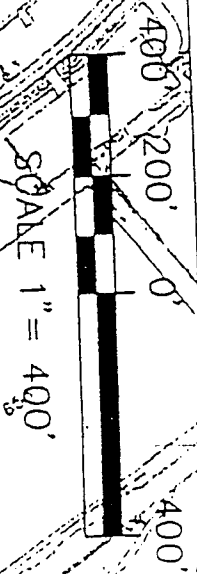
P.D.B.
FND MONUMENT, 2 1/2" ALUM. ROD
MARK ISLAND CONTROL POINT
"MIGUEL-MARTIN-SELF"

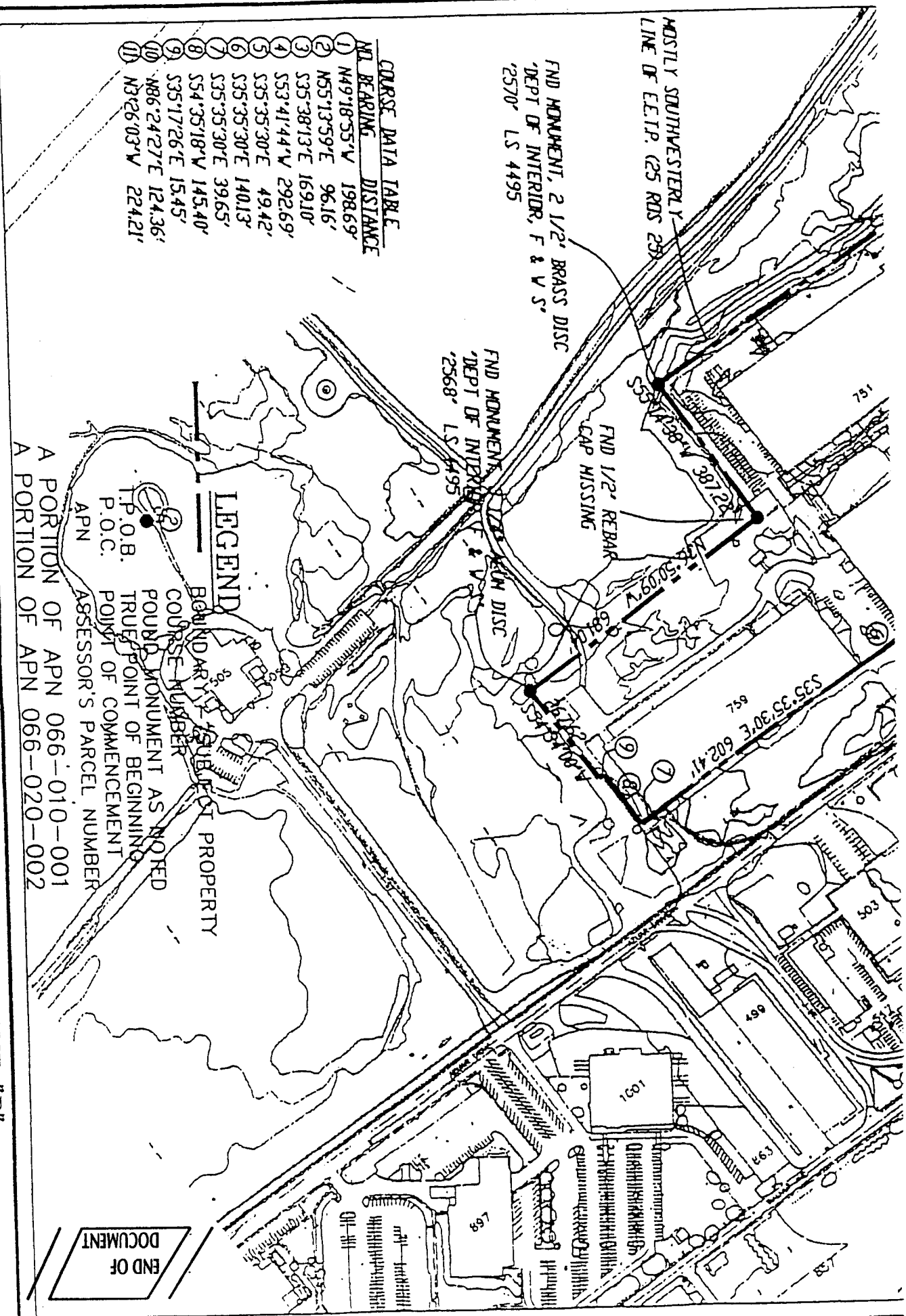
EASTERN EARLY
TRANSFER PARCEL
BK 25 RLS., PG 25

CHEN IN INVESTIGATION AREA A-3
L.S. 3300 & 3301 DR
36945 ACRES +/-

FND 1/2" REBAR
CAP MISSING

MOSTLY NORTHEASTERLY
LINE OF E.L.P. (25 RODS 23)





COURSE DATA TABLE

NO.	BEARING	DISTANCE
1	N49°18'55"V	198.69'
2	N55°13'59"E	96.16'
3	S35°38'13"E	169.10'
4	S53°41'44"W	292.69'
5	S35°35'30"E	49.42'
6	S35°35'30"E	140.13'
7	S35°35'30"E	39.65'
8	S54°35'18"W	145.40'
9	S35°17'26"E	15.45'
10	N86°24'27"E	124.36'
11	N3°26'03"W	224.21'

LEGEND

BOUNDARY - SUBJECT PROPERTY

COURSE NUMBER

FOUND MONUMENT AS NOTED

T.P.O.B. TRUE POINT OF BEGINNING

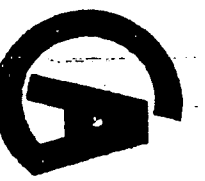
P.O.C. POINT OF COMMENCEMENT

APN ASSESSOR'S PARCEL NUMBER

A PORTION OF APN 066-010-001
A PORTION OF APN 066-020-002

END OF DOCUMENT

EXHIBIT "B"



CHAUDHARY & ASSOCIATES, INC.

ENGINEERS SURVEYORS INSPECTORS

851 NAPA VALLEY CORPORATE WAY, SUITE G
NAPA, CALIFORNIA 94558
Tel: (707) 255-2729 FAX: (707) 255-5021 WWW.CHAUDHARY.COM

PLAT TO ACCOMPANY LEGAL DESCRIPTION
for Lennar Mare Island LLC

CH2M Hill Investigation Area A-3
Being a portion of the Eastern Early
Transfer Parcel - 25 R.O.S. 25